

Nadler Blasts EPA Sham WTC Testing & Cleanup Program

Tuesday, 05 December 2006

Vows a Democratic Congress will "hold EPA accountable"

WASHINGTON, D.C. – Congressman Jerrold Nadler (D-NY) today blasted the Environmental Protection Agency (EPA) for issuing yet another inadequate testing and cleanup program for World Trade Center contamination. The new plan does not reflect the recommendations of the EPA Inspector General issued in August 2003, or the "World Trade Center Expert Technical Review Panel" established by EPA specifically to develop a scientifically sound plan for indoor contamination.

"This new EPA plan is another slap in the face to the residents and workers of Lower Manhattan," said Rep. Nadler. "Even though this has been going on for five years, it is still shocking how callously the EPA ignores its own experts, and turns a blind eye to the victims of 9/11."

The new EPA program will allow residents to test for only four contaminants (asbestos, lead, PAHs, and man-made vitreous fibers), on a voluntary basis, and if necessary, have their residence cleaned. This testing and cleanup program is very similar to the Agency's 2002 "Indoor Air Residential Cleanup Program" except that under the new plan, residences can be tested first and then cleaned, rather than the other way around. Like the 2002 plan, the geographic area is limited to South of Canal Street in Lower Manhattan, and buildings will not be treated as a whole to reduce the threat of recontamination. A total of \$7 million has been allocated for the program.

According to the EPA's official announcement, the plan was based on the assumption that the "vast majority of residential and commercial spaces in Lower Manhattan have been repeatedly cleaned" and that the potential for exposure related to dust "is low." But in the immediate aftermath of 9/11, the EPA told people to clean up WTC dust on their own with a wet mop or hire their own cleaning crews. No interior space has ever been cleaned by the Federal government in a manner consistent with federal environmental laws, and many buildings outside the arbitrary geographic boundary set by EPA may be contaminated.

A 2003 EPA Inspector General's Report found that EPA's initial cleanup plan was not adequate to comply with federal laws that govern protection of public health and the environment. The IG report recommended that EPA implement a testing program to ensure that the indoor cleanup effectively reduce health risks from all pollutants of concern, and implement a verification program to determine whether previously cleaned residences have been re-contaminated. The IG also recommended expanding the cleanup program to workplaces. The new EPA plan recommends that workers file a complaint with the Occupational Safety and Health Administration (OSHA). The EPA established the "World Trade Center Expert Technical Review Panel" to implement the recommendations of the IG Report and develop a scientifically sound plan for indoor contamination. The Agency unilaterally disbanded the Panel in 2005.

"The EPA is acting as if the last four years never happened," said Rep. Nadler. "We know that people are sick, and yet the Agency is repeating the same mistakes by limiting the plan to a small geographic area, not testing for all contaminants known to be present in WTC dust, not treating buildings as a whole to reduce recontamination, and by refusing to take responsibility for commercial buildings. The fact that they're only spending \$7 million shows that EPA doesn't intend to do too much."

At the request of Rep. Nadler, Sen. Hillary Rodham Clinton, and Sen. Jim Jeffords, the U.S. Government Accountability Office (GAO) has been conducting a study of EPA's World Trade Center indoor testing and cleanup program, and the EPA's disbandment of the "Technical Review Panel." GAO is expected to include a review of the new EPA testing and cleanup plan as part of its study. A draft report is expected from GAO in May, 2007. Rep. Nadler and Sen. Clinton are both expected to chair committees with some jurisdiction over these issues in January.

"It is clear that EPA has no intention to ever follow the will of Congress, their own experts, or more importantly, the people of New York," said Rep. Nadler. "A Democratic Congress will hold EPA accountable."

###